

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

Mario Casciaro,)	
)	
Plaintiff,)	
)	Case No. 17 C 50094
v.)	
)	Judge Philip G. Reinhard
Keith Von Allmen <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

The motion to appeal *in forma pauperis* [263], filed by Scott Peters, is denied because the appeal is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3). To proceed with his appeal, Mr. Peters must either pay the appellate fee of \$505 within fourteen days or seek review of this court's denial of his *in forma pauperis* request in the United States Court of Appeals for the Seventh Circuit within thirty days of the entry of this order. The Clerk is directed to send a copy of this order to plaintiff and to the United States Court of Appeals for the Seventh Circuit.

STATEMENT-OPINION

Scott Peters, an inmate at Menard Correctional Center, has filed several motions [251, 255, 256, 258, 260] and related other documents [249, 250, 252, 253, 254] seeking to intervene in this case and to subpoena documents. The motions were denied [257, 259, 261] because Mr. Peters was never a party to this case and because this case was closed long before any of his motions were filed. Mr. Peters has filed a notice of appeal [262] and a motion to appeal *in forma pauperis* [263].

“[A]n appeal taken in ‘good faith’ is an appeal that, objectively considered, raises non-frivolous colorable issues.” *Eiler v. City of Pana*, No. 14-CV-3063, 2014 WL 11395155, at *1 (C.D. Ill. Nov. 1, 2014) (collecting cases); *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000) (explaining that a finding of no good faith is comparable to a finding that an appeal would be frivolous). “An appeal is frivolous when the result is obvious or when the appellant’s argument is wholly without merit.” *Smeigh v. Johns Manville, Inc.*, 643 F.3d 554, 565 (7th Cir. 2011) (citation and internal quotation marks omitted). The court finds that the appeal is not taken in good faith as Mr. Peters fails to articulate any non-frivolous colorable issues in his notice of appeal that merit review. The court has reviewed its rulings as well as the other documents filed by Mr. Peters and discerns no non-frivolous grounds for appeal. Accordingly, the application to proceed *in forma pauperis* on appeal filed by Mr. Peters is denied.

Under the rules of the Seventh Circuit Court of Appeals, if the district court certifies that an appeal is not taken in good faith, the appellant cannot prosecute the appeal *in forma pauperis*, but rather must pay the appellate fees in full for the appeal to go forward. To proceed with his appeal, Mr. Peters must either pay the appellate fee of \$505 within fourteen days or seek review of this court's denial of his *in forma pauperis* request in the United States Court of Appeals for the Seventh Circuit within thirty days of the entry of this order. Fed. R. App. P. 24(a)(5). Payment shall be sent to the Clerk, United States District Court, 219 South Dearborn Street, Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor. Payment should clearly identify the name of the party to whom the payment applies, as well as the district court and appellate court case numbers assigned to this action.

Date: 10/24/2022

ENTER:


United States District Court Judge

Notices mailed by Judicial Staff.